

During the telephone interview of April 5, 2006, the Examiner indicated that the automatic detection was not necessarily present, since the system could require the driver to push a button to indicate the presence of the vehicle. However, if that were the case, the use of the vehicle presence detector sensors 111, 113 would be obviated.

Therefore, the Applicant respectfully submits that the originally filed specification had possession of the claimed invention at the time the application was filed.

The Applicant further traverses the grounds of rejection under 35 U.S.C. §§ 102 and 103.

Claims 1-10, 12 and 13 have been rejected under 35 U.S.C. § 102(e) over *Smith et al* '314, with *Christman et al* and *Baric* cited to show that certain claim limitations are allegedly inherent in *Smith et al*. Alternatively, claims 1-3, 5-8, 10, 12 and 13 have been rejected under 35 U.S.C. § 103(a) as obvious over that combination of references. Claim 4 has been rejected under 35 U.S.C. § 103(a) over *Smith et al* in view of *Hughes et al*. Claim 9 has been rejected under 35 U.S.C. § 103(a) over *Smith et al* in view of *Tarranova*.

The Applicant respectfully submits that the at least one vehicle presence detector as defined by the present claims is not taught or suggested by *Smith et al*. The Examiner notes that *Smith et al* teaches an RF communication system 10 including a presence detector. According to the reference, such an RF communication system 10 can be used in an automated fuel retail system. However, the reference does not state that the RF communication system 10 when used in a fuel retail system has such a presence detector. In fact, the reference specifies (col. 1, last full paragraph) that the presence detector is used in toll collection systems. That paragraph goes on to state that the presence of an object such as a moving vehicle is detected. Since a fuel retail system would have no need to detect the presence of a moving vehicle as opposed to a stationary vehicle in order to power the antenna, the reference does not teach or suggest the present claimed invention.

During the telephone interview dated April 5, 2006, the Examiner noted that in an embodiment of the *Smith et al* system in which the transponder is embedded in the vehicle, the interrogator system 13 necessarily detects the presence of the vehicle whenever it reads the transponder. However, the Applicant sees no teaching in the reference that the transponder is embedded in the vehicle. In fact, the reference teaches the contrary in the paragraph spanning columns 1 and 2, in which the transponder 12 is taught as being a dash-mounted unit. Accordingly, the system 10 of the applied reference, when used in an automated fuel retail system, does not necessarily detect the presence of the vehicle. The Examiner acknowledged that his argument regarding the automatic detection of the vehicle by reading the transponder would not apply without some teaching for an embedded transponder.

The other applied references do not overcome that deficiency of *Smith et al*. Accordingly, such references do not show that the present claimed invention is inherently anticipated by *Smith et al*. Moreover, no combination of the applied references would have taught, suggested, or resulted in the invention.

Therefore, the Applicant respectfully traverses the grounds of rejection under 35 U.S.C. §§ 102 and 103.

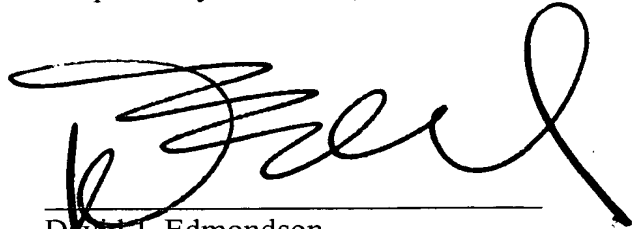
In light of the above, the Applicant respectfully submits that the application is in condition for allowance. Notice of such allowance is earnestly solicited.

If there remain any issues that can be overcome most easily through a telephonic interview, the Examiner is invited to telephone the undersigned at the telephone number set forth below.

Please charge any deficiency in fees, or credit any overpayment thereof, to BLANK ROME LLP, Deposit Account No. 23-2185 (114944-00106). If an extension of time is required to render this Amendment timely and either is not filed concurrently herewith or is

insufficient to render this Amendment timely, the Applicant hereby petitions under 37 C.F.R. § 1.136(a) for such an extension for as many months as are required to render this Amendment timely. Any fee due is authorized above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David J. Edmondson', written over a horizontal line.

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